

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
)
 v.) No. 08 CR 532
)
) 07 GJ 102
JACQUE BUCKLEY and) Chief Judge James F. Holderman
ROBERT JOYNER)

**UNITED STATES' UNOPPOSED MOTION TO EXCLUDE TIME
PURSUANT TO TITLE 18, UNITED STATES CODE, SECTION 3161**

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, pursuant to 18 U.S.C. § 3161(h)(8)(A),(B), hereby moves to exclude 30 days from the period beginning on August 8, 2008, and up to and including September 7, 2008, from the time prescribed in Title 18, United States Code, Section 3161(b) for the return of an indictment or information following an arrest. In support of this motion, the government states as follows:

1. On July 8, 2008, the government charged the above-captioned defendants by complaint with conspiring to possess with intent to distribute and to distribute controlled substances, namely, 50 grams or more of mixtures containing cocaine base in the form of crack cocaine, in violation of Title 21, United States Code, Section 846.

2. Pursuant to 18 U.S.C. § 3161, *et seq.* (“the Speedy Trial Act”), the government must generally file an indictment within 30 days of the arrest of the defendant. In this case, on July 9, 2008, the defendants were arrested and appeared on the same day before Judge Cole for their initial appearances. Accordingly, the 30-day period to indict these defendants expires on August 8, 2008.

3. The Speedy Trial Act permits a court to enlarge the 30-day time period if the court finds “that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(8)(A). Among the factors identified by

Congress as relevant to the determination whether time should be extended for indictment are those set forth in 18 U.S.C. § 3161(h)(8)(B), which provide in relevant part:

Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution . . . that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section; [or]

Whether, in case in which arrest precedes indictment, delay in the filing of the indictment is caused because the arrest occurs at a time such that it is unreasonable to expect return and filing of the indictment within the period specified in section 3161(b), or because the facts upon which the grand jury must base its determination are unusual or complex.

Whether the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

18 U.S.C. §§ 3161(h)(8)(B)(ii), (iii), and (iv).

4. Recent developments in the case have led to the government's request for extension, and those developments are stated in the Attachment hereto, which the government respectfully requests be placed under seal. The government is requesting that this Attachment be sealed so as not to compromise its ongoing investigation and so as not to reveal matters occurring before the Grand Jury.

5. The government has been conducting a diligent and thorough investigation in this case, yet, for the reasons stated in the attachment, the government seeks additional time to make a charging decision based on a full analysis of the information being provided to the government. The government estimates that a 30-day extension from the current expiration date of August 8, 2008, to and including September 7, 2008, will be sufficient time within which to return an indictment in this matter. Also, the additional time will save grand jury resources and ensure that a fully informed decision is made.

6. On July 29, 2008, the undersigned Assistant United States Attorney conferred with each of the defendants' attorneys who represented that they do not object to this motion.

WHEREFORE, the government respectfully requests a 30-day extension of time in which to seek the return of an indictment or information in this case, and asks that the Court order an exclusion of time under the Speedy Trial Act until September 7, 2008.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By: s/ Renai S. Rodney
RENAI S. RODNEY
LELA D. JOHNSON
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-4064

Dated: July 30, 2008

CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following document:

**UNITED STATES' UNOPPOSED MOTION TO EXCLUDE TIME
PURSUANT TO TITLE 18, UNITED STATES CODE, SECTION 3161**

was served July 30, 2008, in accordance with FED. R. CIV. P. 5, LR5.5, and the General Order on Electronic Case filing pursuant to the District Court's Electronic Case Filing (ECF) system as to ECF filers.

By: s/ Renai S. Rodney
RENAI S. RODNEY
Assistant United States Attorney
219 S. Dearborn St.- 5th Floor
Chicago, IL 60604
312-353-4064

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NOTICE OF FILING

PLEASE TAKE NOTICE that on July 30, 2008, the undersigned caused to be filed with the Clerk of this Court UNITED STATES' UNOPPOSED MOTION TO EXCLUDE TIME PURSUANT TO TITLE 18, UNITED STATES CODE, SECTION 3161, service of the notice is being made upon you.

PATRICK J. FITZGERALD
United States Attorney

By: s/ Renai S. Rodney
Renai S. Rodney
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-4064

CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following document:

UNITED STATES' UNOPPOSED MOTION TO EXCLUDE TIME
PURSUANT TO TITLE 18, UNITED STATES CODE, SECTION 3161

was served July 30, 2008, in accordance with FED. R. CIV. P. 5, LR5.5, and the General Order on Electronic Case filing pursuant to the District Court's Electronic Case Filing (ECF) system as to ECF filers.

By: s/ Renai S. Rodney
RENAI S. RODNEY
Assistant United States Attorney
219 S. Dearborn St.- 5th Floor
Chicago, IL 60604
312-353-4064